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EXAMINER

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ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,907

Applicant(s)

ANDINO ET AL.

Examiner

Jonathan Ouellette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2006 and 17 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 21-44, 54-59, 67-70, 72-74 and 91-93 is/are pending in the application.
- 4a) Of the above claim(s) 67-70, 72-74, 91 and 92 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-23 and 27-34 is/are allowed.
- 6) ☒ Claim(s) 1-16, 24-26, 35-44 and 54-59 is/are rejected.
- 7) ☒ Claim(s) 9 and 93 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 1-16, 21-44, 54-59, and 93 have been elected by Applicant for further Examination. Claims 67-70, 72-74, 91, and 92 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/17/2006.

Response to Amendment

2. Claims 17-20, 45-53, 60-66, 71, and 75-90 have been cancelled, Claims 91-93 have been added, and Claims 67-70, 72-74, 91, and 92 have been withdrawn by restriction election; therefore, Claims 1-16, 21-44, 54-59, 67-70, 72-74, and 91-93 are now pending in application 10/017,027.

Claim Objections

3. Claim 9 is objected to because of the following informalities: the claim does not indicate what the submodule is coupled to in line 2. Appropriate correction is required.
4. Claim 93 is objected to as being dependent upon a rejected base claim (Claim 1), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowable Subject Matter

5. **Claims 21-23 and 27-34 are allowed.**

6. The following is an examiner's statement of reasons for allowance: The prior art fails to teach or disclose tracking the performance of said competition finalists and one or more non-selected candidates; and determining an actual success indicator for each of said competition finalists and said non-selected candidates, as Claimed by independent Claims 21 and 27.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claim 54 is rejected under 35 U.S.C. 102(e) as being anticipated by Corrie et al. (US 2002/0120538 A1).**

10. As per **independent Claim 54**, Corrie discloses a method of reducing the number of candidates in a candidate pool of a competition system, each candidate being represented in said competition system by a corresponding candidate information package, said method comprising:

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determining whether each candidate information package in said candidate pool meets an information completeness standard and a document completeness standard; removing all candidate information packages from said candidate pool which do not meet said information completeness standard and said document completeness standard (Para 0146-0148, review for application completeness and basic criteria and compliance); determining whether each said candidate information package in said candidate pool indicates the corresponding candidate meets one or more minimum qualification standards; removing all candidate information packages from said candidate pool which do not indicate the corresponding candidate meets said minimum qualification standards (Para 0146-0148, review for application completeness and basic criteria and compliance); grouping said candidate information packages in said candidate pool into one or more groups based on information contained in said candidate information packages (grouped by grant initiative); determining whether said candidate information packages in said candidate pool indicate the corresponding candidate meets one or more discretionary standards; and removing all candidate information packages from said candidate pool which do not indicate the corresponding candidate meets said one or more discretionary standards (Para 0146-0148, review for application completeness and basic criteria and compliance; Fig.6B).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention

was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 1, 2, 4-16, 24-26, 35, 36, 38, 40, 41, 43, 44, 56, 58, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corrie et al. (US 2002/0120538 A1).**

13. As per **independent Claim 1**, Corrie discloses a system for evaluating and selecting competition winners from a pool of candidates in a competition comprising: a database for storing candidate documents (Para 0145, applications received and saved in grants management system); a grouping subsystem coupled to said database for grouping said candidate documents into candidate data sets (grouped by grant initiative); a qualification subsystem coupled to said database for determining said candidate data sets to be qualified or disqualified; a pool reduction subsystem coupled to said database for determining whether said candidate data sets having been qualified meet a discretionary eligibility standard (Para 0146-0148, review for application completeness and basic criteria and compliance); an evaluation subsystem coupled to said qualification subsystem and said database for evaluating each of said candidate data sets having met said discretionary eligibility standard and scoring one or more evaluation variables in response to said evaluation (Para 0152, application reviewed); and a selection subsystem coupled to said evaluation subsystem and database for selecting one or more competition finalists responsive to said evaluation and scoring of said candidate data sets having met said discretionary eligibility standard (Para 0152-0154, system grants manager aggregates scores, ranks candidates, and selects winners).

14. Corrie fails to expressly disclose wherein said discretionary eligibility standard varies as a function of the number of said candidate data sets having been qualified.

15. However, Corrie does disclose the initial review of applications for basic criteria and compliance (Para 0148), and wherein the basic criteria are provided by each granting agency (Para 0148).

16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said discretionary eligibility standard varies as a function of the number of said candidate data sets having been qualified as part of the basic criteria provided by Corrie's granting agency, in order to increase the efficiency of the candidate selection system by allowing the granting agency and grants management system to control the size of the selection pool.

17. As per Claim 2, Corrie discloses a document reception subsystem comprising: a network interface module coupled to said database for receiving electronic submissions, said database storing said electronic submissions as candidate documents, a scanner interface module for interfacing said system to a scanner and receiving scans of submitted hardcopy documents, and a data extraction module coupled to said scanner interface module and said database for extracting data from said scans, said database storing said extracted data as candidate documents (Para 0145).

18. As per Claim 4, Corrie discloses wherein said qualification subsystem comprises: a first filter module coupled to said database for determining whether said candidate data sets meet a data completeness standard (Para 0146, Fig.6B).

19. As per Claim 5, Corrie discloses wherein said data completeness standard requires said candidate data sets to include a minimum set of document types (Para 0146, Fig.6B).

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20. As per Claim 6, Corrie discloses wherein said evaluation subsystem comprises: an evaluation workstation coupled to said database for facilitating evaluation of said candidate data sets having met said discretionary eligibility standard, said evaluation workstation comprising: a display for displaying information extracted from said candidate data sets, and an input device for entering information; a matching module coupled to said database for selecting a possible evaluator to evaluate one of said candidate data sets having met said discretionary eligibility standard; an evaluator eligibility module coupled to said database for determining whether said evaluator is permitted to evaluate said one of said candidate data sets having met said discretionary eligibility standard; and an evaluation module coupled to said evaluator eligibility module, said database, and said evaluation workstation for providing on said display information extracted from said one of said candidate data sets having met said discretionary eligibility standard, providing one or more evaluation variables for scoring, and receiving a score for each of said one or more evaluation variables from said input device (Para 0145-0154).

21. As per Claim 7, Corrie discloses wherein said selection system comprises: a phase 1 selection module coupled to said evaluation subsystem for selecting a first set of candidate finalists responsive to total scores generated responsive to corresponding said received scores, said first set of candidate finalists not exceeding a predetermined total number; said phase 1 selection module further outputting when said first set of candidate data sets is less than said predetermined number a sub-pool of said candidate data sets all having received equal corresponding said total scores; and a phase 2 selection module coupled to said phase 1 selection module and said database for selecting a second set of candidate finalists, said second set of candidate finalists being a subset of said sub-pool, said first set of candidate finalists plus said

second set of said candidate finalists equal in number to said predetermined total number (Para 0145-0154).

22. As per Claim 8, Corrie discloses wherein said phase 1 selection module comprising: a scoring module coupled to said evaluation subsystem and said database for generating said total scores; a grouping module coupled to said scoring module and said database for grouping said candidate data sets into score tiers responsive to corresponding said total scores, each of said score tiers comprising one or more of said candidate data sets having equal said total scores; a selection module coupled to said ranking module, said ranking workstation, and said database for selecting a first set of candidate finalists responsive to said ranking, said first set of candidate finalists equal to or less than said predetermined total number; and an output module for outputting said sub-pool, said sub-pool of candidate profiles comprising one of said score tiers, said one of said score tiers having the highest total score of those of said score tiers containing candidate profiles not selected for said first set of candidate profiles (Para 0145-0154).

23. As per Claim 9, Corrie discloses wherein said phase 2 selection module comprising: a receiving submodule coupled to said for receiving said sub-pool of said candidate data sets from said phase 1 selection module; an evaluation response selection submodule for determining one of said received scores to be weighted and a weight; a weighting submodule coupled to said selection module and said evaluation response selection submodule for weighting said one of said received scores of said candidate data sets in said sub-pool; a scoring submodule coupled to said weighting submodule for generating weighted scores for said candidate data sets in said sub-pool; a grouping submodule coupled to said scoring submodule for grouping said candidate data sets in said sub-pool into sub-tiers responsive to corresponding weighted scores; a selection

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submodule for selecting additional candidate finalists responsive to said weighted evaluation tier ranking; and a stop submodule for determining when a correct number of candidate finalists have been selected and outputting said additional candidate finalists (Para 0145-0154).

24. As per Claim 10, Corrie discloses wherein said selection system comprises: a scoring module for summing evaluation scores for each of said candidate data sets having been evaluated; a score grouping module for grouping said candidate data sets having been evaluated into score tiers each comprising substantially similar corresponding ones of evaluation score sums; a phase 1 selection module for selecting all said candidate data sets of the score tiers beginning with the score tier having the highest median evaluation score sum and proceeding to score tiers of successively lower median evaluation score sums such that the number of candidate documents selected is maximized without exceeding a predetermined number, said phase 1 selection module further outputting an active group, said active group comprising the candidate data sets of the score tier having the highest median evaluation score sum containing no candidates having been selected; and a phase 2 selection module for selecting a subset of said active group (Para 0145-0154).

25. As per Claim 11, Corrie discloses wherein said phase 2 selection system comprises: a weighting module for weighting said evaluation scores for each of said candidate data sets in said active group; a summing module for summing said weighted evaluation scores for each of said candidate data sets in said active group; a score grouping module for grouping said candidate data sets in said active group into phase 2 score tiers by substantially similar corresponding said evaluation score sums; a tie-breaking selection module for selecting all candidate documents within the phase 2 score tiers beginning with the phase 2 score tier having

the highest median evaluation score sum and proceeding to phase 2 score tiers of successively lower median evaluation score sums such that the total number of selected said candidate data sets is maximized without exceeding said predetermined number; and a designating module for designating the candidate data sets of the phase 2 score tier having the highest median evaluation score sum containing no candidates having been selected as the active group (Para 0145-0154).

26. As per Claim 12, Corrie discloses a monitoring subsystem coupled to said evaluation subsystem for monitoring evaluations of qualified said candidate data sets, said monitoring subsystem allowing interaction with an ongoing evaluation, said monitoring subsystem allowing nullification of an evaluation when said evaluation is determined to be inconsistent with the requirements of said competition (Para 0145-0154).

27. As per Claim 13, Corrie discloses a confirmation subsystem coupled to say selection subsystem and said database for determining the confirmation status of said one or more competition finalists and determining one or more competition winners responsive to said confirmation status determination (Para 0145-0154).

28. As per Claim 14, Corrie discloses wherein said confirmation subsystem comprises: a workstation comprising: a display for displaying candidate packages and corresponding confirmation documents, and an input device for entering information; a confirmation document request module coupled to said database for requesting confirmation documents; a confirmation module coupled to said workstation and said database for providing said candidate packages and said corresponding confirmation documents to said workstation for display and for receiving confirmation responses; and a conversion module coupled to said workstation and said database for marking ones of said candidate data sets as non-selected responsive to a corresponding

confirmation response indicating nonconfirmation and for marking ones of candidate data sets as competition winners responsive to a corresponding confirmation response indicating confirmation (Figs.1-6E)

29. As per Claim 15, Corrie discloses a competition winner tracking subsystem coupled to said database for tracking said competition winners comprising: a competition winner tracking module coupled to said database for determining when update documents are required for a competition winner, an update document request module coupled to said competition-winner module for coordinating update document request correspondence, and an update module coupled to said database for updating confirmation winner packages with said required update documents (Figs. 1-6H).

30. As per Claim 16, Corrie discloses wherein said competition winner tracking subsystem further comprises: a workstation comprising: a display for displaying information from one of said candidate data sets and corresponding confirmation documents, and an input device for entering information; and a reconfirmation module coupled to workstation and said database for displaying the candidate data sets of said competition winners with corresponding said required documents and receiving reconfirmation responses, the status of the candidate data sets of said competition winners being updated in response to said reconfirmation responses (Figs. 1-6H).

31. As per **independent Claim 24**, Corrie discloses a system for selecting one or more candidates from a plurality of candidate profiles comprising: a storage adapted to store a plurality of candidate profiles (Para 0145, applications received and saved in grants management system); an eligibility unit coupled to said storage adapted to determine said candidate profiles to be eligible or ineligible (Para 0146-0148, review for application completeness and basic criteria and

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compliance); an evaluation unit coupled to said storage adapted to facilitate evaluation of said candidate profiles by the scoring of one or more variables by one or more evaluators (Para 0152, application reviewed); a first selection unit coupled to said storage adapted to receive said variables having been scored, said first selection unit further adapted to select a subset of said candidate profiles responsive to said variables having been scored; and a second selection unit coupled to said first selection unit and said storage adapted to receive a sub-pool of said candidate profiles and adapted to output a subset of said sub-pool of candidate profiles responsive to application of predetermined variable weights to said variables having been scored (Para 0152-0154, system grants manager aggregates scores, ranks candidates, and selects winners).

32. Corrie fails to expressly disclose wherein said subset of said candidate profiles not exceeding a predetermined value in number and said subset of said candidate profiles added to said subset of said sub-pool of candidate profiles equaling said predetermined value in number.

33. However, Corrie wherein the basic criteria for grants are provided by each granting agency (Para 0148).

34. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said subset of said candidate profiles not exceeding a predetermined value in number and said subset of said candidate profiles added to said subset of said sub-pool of candidate profiles equaling said predetermined value in number, as part of the basic criteria provided by Corrie's granting agency, in order to increase the efficiency of the candidate selection system by allowing the granting agency and grants management system to control the size of the selection pool.

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35. As per Claim 25, Corrie discloses wherein said first selection unit comprising: a scoring module coupled to said storage adapted to generate total scores for said candidate profiles responsive to said variables; a grouping module coupled to said scoring module and said storage for grouping said candidate profiles into score tiers responsive to corresponding said total scores, each said score tiers comprising one or more said candidate profiles having equal said total scores; a selection module coupled to said grouping module and said storage for selecting a first set of candidate profiles responsive to said grouping, said first set of candidate profiles equal to or less than said predetermined total number, said candidate profiles in said first set of candidate profiles having corresponding said total scores higher than said total scores of any said candidate profiles not in said first set of candidate profiles; and an output module for outputting said sub-pool of candidate profiles, said sub-pool of said candidate profiles comprising one of said score tiers, said one of said score tiers having the highest total score of those of said score tiers containing candidate profiles not selected for said first set of candidate profiles (Para 0145-0154).

36. As per Claim 26, Corrie discloses wherein said second selection unit comprising: a receiving module coupled to said for receiving said sub-pool of said candidate profiles from said phase 1 selection module; an evaluation response selection submodule for determining one of said one or more evaluation responses to be weighted and a weight, a weighting module coupled to said selection module and said evaluation response selection submodule for weighting said one of said evaluation responses of candidate data sets in said sub-pool, a scoring module coupled to said weighting module for generating weighted scores for said candidate profiles in said sub-pool; a grouping module coupled to said scoring module for grouping said candidate

profiles in said sub-pool into sub-tiers responsive to corresponding weighted scores, a selection module for selecting additional candidate profiles responsive to said weighted evaluation tier ranking, and a stop module for determining when a correct number of candidate profiles have been selected and outputting said additional candidate profiles (Para 0145-0154).

37. As per **independent Claim 35**, Corrie discloses a method for selecting one or more candidates from a plurality of candidate applications in a competition system, comprising: determining for each of said candidate applications whether said candidate application meets minimum qualification standards (Para 0146-0148, review for application completeness and basic criteria and compliance); determining the number of said candidate applications meeting said minimum qualification standards; determining for each said candidate application meeting said minimum qualification standards whether said candidate application meets a discretionary qualification standard (Para 0146-0148, review for application completeness and basic criteria and compliance); evaluating each said candidate application determined to meet said minimum qualification standards; scoring each of said candidate applications that has been evaluated over a set of evaluation variables (Para 0152, application reviewed); and selecting one or more of said candidates as competition finalists responsive to said scoring (Para 0152-0154, system grants manager aggregates scores, ranks candidates, and selects winners).

38. Corrie fails to expressly disclose wherein said discretionary qualification standard being a function of said determined number of said candidate applications meeting said minimum qualification standards.

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39. However, Corrie does disclose the initial review of applications for basic criteria and compliance (Para 0148), and wherein the basic criteria are provided by each granting agency (Para 0148).

40. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said discretionary qualification standard being a function of said determined number of said candidate applications meeting said minimum qualification standards as part of the basic criteria provided by Corrie's granting agency, in order to increase the efficiency of the candidate selection system by allowing the granting agency and grants management system to control the size of the selection pool.

41. As per Claim 36, Corrie discloses wherein said step of determining for each said candidate application whether said candidate application meets minimum qualification standards comprises: i) filtering each candidate's candidate information to determine whether said candidate's candidate information meets at least one of an information completeness standard and a document completeness standard; ii) filtering said candidate information to ensure said candidate information indicates said candidate meets one or more minimum qualification requirements; iii) grouping said candidate information into two or more groups responsive to one or more predetermined pieces of information contained in said candidate information; and iv) filtering said candidate information to ensure said candidate information indicates said candidate meets one or more group level standards (Para 0146-0148).

42. As per Claims 38 and 56, Corrie fails to expressly show wherein said step of filtering said candidate information to ensure said candidate information indicates said candidate meets one or more group level standards comprises passing said candidate when said candidate information

meets or exceeds at least one of a minimum GPA score, a family income requirement, and completion of a GED.

43. However, Corrie dose disclose using the system for a variety of candidate evaluation situations, includes scholarship (Para 0165), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate minimum GPA score, a family income requirement, and completion of a GED, as part of the evaluation criteria disclosed by Corrie (Para 0148-0154); as these factors were commonly used to distinguish scholarship candidates at the time the invention was made.

44. As per Claim 40, 58, and 59, Corrie fails to expressly disclose wherein said step of filtering said candidate information to ensure said candidate information indicates said candidate meets one or more group level standards comprises passing said candidate when said candidate information indicates said candidate meets or exceeds a third filter set, said third filter set comprising at least one of a minimum number of academic awards, a minimum number of public awards, a minimum number of honors, a minimum number of leadership roles, a minimum number of student excel bubbles completed, a minimum class rigor average, a minimum amount of community service, a maximum amount of personal circumstance exceptions, and a minimum number of paid hours of employment.

45. However, Corrie dose disclose using the system for a variety of candidate evaluation situations, includes scholarship (Para 0165), and it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate minimum number of academic awards, a minimum number of public awards, a minimum number of honors, a minimum number of leadership roles, a minimum number of student excel bubbles completed, a minimum class

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rigor average, a minimum amount of community service, a maximum amount of personal circumstance exceptions, and a minimum number of paid hours of employment, as part of the evaluation criteria disclosed by Corrie (Para 0148-0154); as these factors were commonly used to distinguish scholarship candidates at the time the invention was made.

46. As per Claim 41, Corrie discloses wherein said step of evaluating comprises the steps of: matching each said candidate information with a reader qualified to read said candidate information, a reader being disqualified from reading a particular candidate's candidate information when any conflicts exist; and reading each said candidate information by said reader, said step of reading comprising scoring said candidate information on a set of reading variables (Para 0148-0152).

47. As per Claim 43, Corrie fails to expressly discloses wherein said step of selecting comprises the steps of: summing said evaluation variable scores for each of said candidate applications to produce a total reading variable score; ranking said candidate applications by their respective total reading variable score; determining the highest score tier having ones of said candidate applications not already selected; determining whether the sum of all said candidate applications already selected plus the number of said candidate applications at the current score tier exceeds the total number of said candidate applications to be selected; when the sum of all said candidate applications already selected plus the number of said candidate applications at the current score tier is less than the total number of said candidate applications to be selected, selecting the candidate applications in the current score tier and continuing back to said step of determining the highest score tier; when the sum of all said candidate applications already selected plus the number of said candidate applications at the current score tier equals the

total number of said candidate applications to be selected, selecting the candidate applications at the current score tier and aborting any further selection; when the sum of all said candidate applications already selected plus the number of said candidate applications at the current score tier exceeds the total number of said candidate applications to be selected, carrying out the steps of: determining the next highest score tier having one or more said candidate applications not already selected, selecting one of said set of evaluation variables; altering the weight of said selected evaluation variable over all unselected said candidate applications in the score tier determined to be the next highest to produce weighted sets of reading scores, summing each said candidate applications weighted evaluation variable scores to produce a total evaluation variable score; grouping said candidate applications by their respective total weighted reading variable scores; beginning with the highest ranking total weighted reading variable score group and continuing successively to the next lower total weighted reading variable score group, selecting the candidate applications of as many total weighted evaluation variable score groups as possible without exceeding the total number of said candidate applications to be selected, and selecting a previously-unselected evaluation variable from said set of evaluation variables and returning to said step of altering the weight of said selected evaluation variable and continuing.

48. However, Corrie does disclose a system for evaluating candidates, and determining a winner based on evaluations scores and weighted ranking of all the candidates (Para 0145-0155).

49. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the system to present awards from the highest-ranking candidate down until the budget for awards was exhausted.

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50. As per Claim 44, Corrie fails to expressly disclose requesting confirmation documents from one or more of said competition finalists (Para 0089, Applicant Attachments).

51. Claims 39, 42, and 57 are rejected under 35 U.S.C. 103 as being unpatentable over Corrie.

52. As per Claims 39 and 57, Corrie fails to expressly disclose wherein said step of grouping comprises grouping said candidates by one or more of the following candidate information: geographical residence, urban/rural upbringing, primary ethnicity, and cultural background.

53. However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The candidate selection system/method would be performed regardless of the type of groupings were used. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

54. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have grouped the candidates in a plurality grouping formats, such as: geographical residence, urban/rural upbringing, primary ethnicity, and cultural background, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

55. As per Claim 42, Corrie fails to expressly disclose wherein said set of reading variables includes a variety of non-cognitive variables, said non-cognitive variables comprising a positive self-concept variable, a realistic self-appraisal variable, an understanding/navigation of a social system variable, a preference of long-term goals over short-term goals variable, an availability of

a strong support person variable, a leadership experience variable, a community service variable, and an interest/knowledge in a non-school field variable.

56. However these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. The candidate selection system/method would be performed regardless of the type of non-cognitive variables used. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

57. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the following variables: grouped the candidates in a plurality grouping formats, such as: positive self-concept, realistic self-appraisal, understanding/navigation of a social system, preference of long-term goals over short-term goals, availability of a strong support person, leadership experience, community service, interest/knowledge in a non-school field, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

58. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corrie et al. (US 2002/0120538 A1) in view of Lee et al. (US 6,928,435 B2).

59. As per Claim 3, Corrie discloses determining a new applicant as part of the candidate evaluation system (Fig.6B, Para 0145); however, Corrie fails to expressly disclose a duplicate checking module coupled to said network interface module, said data extraction module and said

database for determining whether said candidate documents exist in said database, said candidate documents having been determined not to exist in said database being stored in said database.

60. However, Lee discloses a document management systems used to determine if a document is a duplicate before saving it to memory (C1 L1-56)

61. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a duplicate checking module coupled to said network interface module, said data extraction module and said database for determining whether said candidate documents exist in said database, said candidate documents having been determined not to exist in said database being stored in said database, as disclosed by Lee in the system disclosed by Corrie, for the advantage of providing a candidate evaluation system/method of with the ability to increase the effectiveness of the system by maintaining clean/error free information in the system database, on which award decisions are made.

Response to Arguments

62. Applicant's arguments filed 2/24/2006 and 7/17/2006, with respect to Claims 1-16, 24-26, 35-44, and 54-59, have been considered, but are not persuasive. The rejection will remain as **FINAL**, based on the cited prior art.

63. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

64. The Applicant has made the argument that the cited prior art fails to teach or disclose three distinct filtering steps.

65. However, as explained by the Applicant on pg.24 of the arguments/response, Corrie discloses checking if the application is complete (filtering step 1), checking the application for basic criteria and compliance (filtering step 2), and application review (filtering step 3).

66. The Applicant has made the argument that the cited prior art fails to teach or disclose determining whether said candidate data sets having been qualified, meet a discretionary eligibility standard, which varies as a function of the number of said candidate data sets having been qualified.

67. However, Corrie discloses reviewing the application for completeness and basic criteria and compliance (Para 0146-0148, equivalent to discretionary eligibility standard).

68. Furthermore, although Corrie fails to expressly disclose wherein said discretionary eligibility standard varies as a function of the number of said candidate data sets having been qualified, Corrie does disclose the initial review of applications for basic criteria and compliance (Para 0148), and wherein the basic criteria are provided by each granting agency (Para 0148).

69. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said discretionary eligibility standard varies as a function of the number of said candidate data sets having been qualified as part of the basic criteria provided by Corrie's granting agency, in order to increase the efficiency of the candidate

selection system by allowing the granting agency and grants management system to control the size of the selection pool.

70. Regarding Independent Claims 24 the Applicant should review the rejection above for the explanation regarding the obviousness rejection of the claimed subject matter.

71. Finally, The Applicant has made the argument that the cited prior art fails to teach or disclose determining whether candidate applications meet minimum qualification standards and determining whether each candidate application meeting the minimum qualification standards meet a discretionary qualification standard.

72. However, Corrie discloses reviewing applications for completeness and basic criteria and compliance (Para 0146-0148, minimum qualification standards), and then reviewing the application (Para 0152, discretionary qualification standard – basis for reviewing).

73. As per the argument made regarding the dependent claims, the Applicant should review the rejection above for cited portions of the Corrie reference, which discloses the claimed subject matter.

Conclusion

74. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

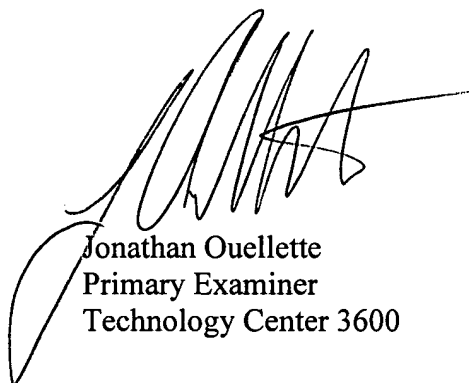
75. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the

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organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

76. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

September 20, 2006



Jonathan Ouellette
Primary Examiner
Technology Center 3600